

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WAYNE PARKS,

Petitioner,

v.
ANTHONY HEDGPETH, Warden,

Respondent.

Civil No. 09-2719 WQH (WVG)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
DISMISSING CASE WITHOUT
PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

The request to proceed in forma pauperis is denied because Petitioner has not provided the Court with sufficient information to determine Petitioner's financial status. A request to proceed in forma pauperis made by a state prisoner must include a signed certificate from the warden or other appropriate officer showing the amount of money or securities Petitioner has on account in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to provide the Court with the required Prison Certificate.

Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, no later than March 22, 2010, provide the Court with: (1) a copy of this Order together with the \$5.00

1 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot pay the
2 \$5.00 filing fee. *For Petitioner's convenience, the Clerk of Court shall attach to this Order a*
3 *blank In Forma Pauperis Request form.*

4 **IT IS SO ORDERED.**

5 DATED: January 26, 2010

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8 **WILLIAM Q. HAYES**
9 United States District Judge

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